

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Mark T Kresak**  
**Jennifer L Kresak**  
Debtor(s)

Bankruptcy Case No.: 19-70739-JAD  
Issued per 7/16/2020 Proceeding  
Chapter: 13  
Docket No.: 41 – 27, 34  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 1/27/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,447 as of August 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PSECU [Claim #7] with payment to be determined by Trustee; Wells Fargo Bank [Claim #8] with payment to be determined by Trustee; U.S. Bank, N.A. [Claim #23] .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4000 including any fees paid to prior counsel.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: July 24, 2020

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Mark T Kresak  
 Jennifer L Kresak  
 Debtors

Case No. 19-70739-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: skoz  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 52

Date Rcvd: Jul 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 26, 2020.

db/jdb  
 15167999 ++Mark T Kresak, Jennifer L Kresak, 1431 Oberlin Street, Johnstown, PA 15905-2037  
 ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: American Honda Finance, 201 Little Falls Drive,  
 Wilmington, DE 19808)  
 15206202 C-B-W Schools Federal Credit Union, 460 Locust St, Sidman, PA 15955  
 15191041 CREDIT FIRST NA, PO BOX 818011, CLEVELAND, OHIO 44181-8011  
 15168002 Chw Schools Fcu, 460 Locust St., Sidman, PA 15955  
 15196364 Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027  
 15168003 +Citicards Chna, Po Box 6217, Sioux Falls, SD 57117-6217  
 15168007 +Credit First N A, Pob 81315, Cleveland, OH 44181-0315  
 15168008 +Credit First N. A. (Firestone), PO Box 81344, Cleveland, OH 44188-0001  
 15168010 First Bankcard, P.O. Box 2557, Omaha, NE 68103-2557  
 15168011 +Fnb Omaha, P.O. Box 3412, Omaha, NE 68197-0001  
 15168012 +Home Depot, PO Box 9001010, Louisville, KY 40290-1010  
 15184835 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,  
 c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100,  
 Boca Raton, FL 33487-2853  
 15168015 +Macys/dsnb, Po Box 8218, Mason, OH 45040-8218  
 15168016 +Mohela/dept Of Ed, 633 Spirit Drive, Chesterfield, MO 63005-1243  
 15179201 ++PERI GARITE, ATTN CARD WORKS, 101 CROSSWAYS PARK DR W, WOODBURY NY 11797-2020  
 (address filed with court: First National Bank of Omaha, 1620 Dodge St., Stop Code 3129,  
 Omaha, NE 68197)  
 15168017 +Pa Sta Empcu, P.o. Box 1006, Harrisburg, PA 17108-1006  
 15168020 +Sallie Mae Bank Inc, Po Box 3229, Wilmington, DE 19804-0229  
 15168021 +Select Portfolio Svcin, 10401 Deerwood Park Blvd, Jacksonville, FL 32256-5007  
 15168024 +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497  
 15168025 +Tristin Kresak, 1431 Oberline Street, Johnstown, PA 15905-2037  
 15171049 +U.S. Bank National Association, 3217 S. Decker Lake Dr., Salt Lake City, UT 84119-3284  
 15184694 +Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh, NC 27605-1000  
 15168026 +Wells Fargo Dealer Svc, Po Box 10709, Raleigh, NC 27605-0709

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 cr

15172223 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jul 25 2020 03:39:59  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 E-mail/Text: ebnbankruptcy@ahm.honda.com Jul 25 2020 03:20:30  
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,  
 Irving, TX 75016-8088  
 15183326 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 25 2020 03:42:32  
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,  
 Charlotte, NC 28272-1083  
 15168000 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 25 2020 03:40:55  
 Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281  
 15168004 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 25 2020 03:20:11 Comenitybank/victoria,  
 Po Box 182789, Columbus, OH 43218-2789  
 15168005 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 25 2020 03:20:11 Comenitybk/bonton,  
 Po Box 182789, Columbus, OH 43218-2789  
 15168006 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 25 2020 03:20:11 Comenitycb/boscof,  
 Po Box 182120, Columbus, OH 43218-2120  
 15191022 E-mail/Text: bnc-quantum@quantum3group.com Jul 25 2020 03:20:15  
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,  
 Kirkland, WA 98083-0657  
 15170258 E-mail/Text: mrdiscen@discover.com Jul 25 2020 03:20:03 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 15168009 +E-mail/Text: mrdiscen@discover.com Jul 25 2020 03:20:03 Discover Fin Svcs Llc, Pob 15316,  
 Wilmington, DE 19850-5316  
 15190241 +E-mail/PDF: gecsedirecoverycorp.com Jul 25 2020 03:16:24 GE Money Bank/Lowes,  
 4125 Windward Plaza Drive Building 300, Alpharetta, GA 30005-8738  
 15190242 +E-mail/PDF: gecsedirecoverycorp.com Jul 25 2020 03:17:21 GE Money Bank/Walmart,  
 4125 Windward Plaza Drive Building 300, Alpharetta, GA 30005-8738  
 15195617 E-mail/Text: JCAP\_BNC\_Notices@jcap.com Jul 25 2020 03:20:34 Jefferson Capital Systems LLC,  
 Po Box 7999, Saint Cloud Mn 56302-9617  
 15168013 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jul 25 2020 03:17:28 Jpmcb Card,  
 Po Box 15369, Wilmington, DE 19850  
 15168019 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jul 25 2020 03:42:33 Prime,  
 Card Member Services, PO Box 1423, Charlotte, NC 28201  
 15197380 E-mail/PDF: resurgentbknofications@resurgent.com Jul 25 2020 03:17:00 LVNV Funding, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 15190405 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jul 25 2020 03:16:57  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 15184084 E-mail/Text: bankruptcynotices@psecu.com Jul 25 2020 03:20:41 PSECU, PO BOX 67013,  
 HARRISBURG, PA 17106-7013  
 15168018 E-mail/PDF: gecsedirecoverycorp.com Jul 25 2020 03:16:27 Pay Pal Credit Services GEMB,  
 P.O. Box 960080, Orlando, FL 32896-0080

District/off: 0315-7

User: skoz  
Form ID: 149

Page 2 of 2  
Total Noticed: 52

Date Rcvd: Jul 24, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15196514 E-mail/Text: bnc-quantum@quantum3group.com Jul 25 2020 03:20:15  
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
15196515 E-mail/Text: bnc-quantum@quantum3group.com Jul 25 2020 03:20:15  
Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,  
Kirkland, WA 98083-0788  
15199068 E-mail/Text: ebn\_bkrt\_forms@salliemae.com Jul 25 2020 03:20:40 Sallie Mae, P.O. Box 3319,  
Wilmington, DE 19804-4319  
15168022 +E-mail/PDF: gecsedirecoverycorp.com Jul 25 2020 03:16:24 Synch/lowes, Po Box 956005,  
Orlando, FL 32896-0001  
15168023 +E-mail/PDF: gecsedirecoverycorp.com Jul 25 2020 03:16:25 Synch/ppc, Po Box 965005,  
Orlando, FL 32896-5005  
15168459 +E-mail/PDF: gecsedirecoverycorp.com Jul 25 2020 03:16:25 Synchrony Bank,  
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
15197594 +E-mail/PDF: gecsedirecoverycorp.com Jul 25 2020 03:16:25 Synchrony Bank,  
c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021  
15198564 E-mail/Text: jennifer.chacon@spservicing.com Jul 25 2020 03:20:49  
U.S. Bank National Association, C/O Select Portfolio Servicing, P.O. Box 65250,  
Salt Lake City, UT 84165-0250  
15198188 E-mail/Text: jennifer.chacon@spservicing.com Jul 25 2020 03:20:49  
U.S. Bank National Association et. al., c/o Select Portfolio Servicing, Inc.,  
P.O. Box 65250, Salt Lake City, UT 84165-0250

TOTAL: 28

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr U.S. Bank National Association Et al.  
cr U.S. Bank National Association, as indenture trust  
15168001 Capital One Bank Usa N  
15168014 Kades Margolis - 403B Loan

TOTALS: 4, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 26, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 24, 2020 at the address(es) listed below:

Glenn R. Bartifay on behalf of Plaintiff Mark T Kresak gbartifay@bartifaylaw.com,  
sfallat@bartifaylaw.com; gbartifay@yahoo.com; lkarageorgiou@bartifaylaw.com  
Glenn R. Bartifay on behalf of Debtor Mark T Kresak gbartifay@bartifaylaw.com,  
sfallat@bartifaylaw.com; gbartifay@yahoo.com; lkarageorgiou@bartifaylaw.com  
Glenn R. Bartifay on behalf of Plaintiff Jennifer L Kresak gbartifay@bartifaylaw.com,  
sfallat@bartifaylaw.com; gbartifay@yahoo.com; lkarageorgiou@bartifaylaw.com  
Glenn R. Bartifay on behalf of Joint Debtor Jennifer L Kresak gbartifay@bartifaylaw.com,  
sfallat@bartifaylaw.com; gbartifay@yahoo.com; lkarageorgiou@bartifaylaw.com  
James Warmbrodt on behalf of Creditor U.S. Bank National Association, as indenture trustee,  
for the CIM Trust 2016-1, Mortgage-Backed Notes, Series 2016-1 bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
Steven P Kelly on behalf of Creditor U.S. Bank National Association Et al.  
skelly@sterneisenberg.com, bkectf@sterneisenberg.com

TOTAL: 8